

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC WITHERSPOON,

No. C 10-3722

Plaintiff,

ORDER DENYING  
PENDING MOTIONS

v.

CARLA GREEN, et al.,

## Defendants.

Plaintiff has filed a motion to restore the case to calendar, which Defendants have opposed. Defendants have filed a motion for an order referring the parties to Chief Magistrate Judge James for telephonic conference. Plaintiff's motion to restore the case to calendar is denied. The settlement agreement orally placed on the record is final and binding. If it is not complied with, the remedy would be to file a motion to enforce the settlement.

Defendants' motion for an order referring the parties to Chief Magistrate Judge James for a telephonic conference is also denied, without prejudice. Defendants state that they have now provided Plaintiff with a written settlement agreement that comports with the oral agreement. If Plaintiff wishes to consult with an attorney, he may do so within twenty-eight days. If, within fourteen days thereafter, the parties have not agreed upon the terms of a written settlement agreement to embody the terms of the binding oral settlement that was placed on the record, either

1 party may file an administrative motion pursuant to Civil Local  
2 Rule 7-11, renewing Defendants' motion for order referring the  
3 parties to Chief Magistrate Judge James for telephonic appearance.  
4 Thereafter, either party may file a motion to enforce the  
5 settlement.

6 Dated: 5/2/2012

  
7 CLAUDIA WILKEN  
8 United States District Judge

9 cc: MEJ